R E M A R K S

Claims 1, 2, 4 – 11, 13 – 15, and 18 - 21 are in the application. Claims 1, 2, 8, 13, 18, and 21 are currently amended; claims 7 and 15 were previously presented; claims 3, 12, 16, and 17 are canceled, and claims 4 – 6, 9 – 11, 14, 19, and 20 remain unchanged from the original versions thereof. Claims 1, 8, 13, 18, and 21 are the independent claims herein.

No new matter has been added to the claims as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

Claim Objections

Claims 1, 8, 13, 18, and 21 were objected to because of the following informalities: The mentioned equation in the claims is inconsistent with the mentioned equation in ¶ 31 of the PG Publication of the instant application. The claim equation is missing the "-1" expression/operand. Appropriate correction is required.

In reply thereto, claims 1, 8, 13, 18, and 21 have been amended to include the correction specified by the Office. Accordingly, it is submitted that the claims overcome the objection of record.

Applicant therefore requests the reconsideration and withdrawal of the objection to claims 1, 8, 13, 18, and 21.

Claim Rejections – 35 USC § 112

Claims 1 – 3, 8, 12, 17, 18, and 21 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 8, 13, 18, and 21, "NbChannels" is now defined and definite in the currently amended claims.

Regarding claim 2, "MP" is now defined and definite in the currently amended claim 2. Further regarding claim 2, the phrase "for calculating purposes" has been replaced by claim language that is definite.

Regarding claims 3, 12, and 17, these claims have been canceled. Therefore, the rejection of claims 3, 12, and 17 is moot.

Applicant therefore requests the reconsideration and withdrawal of the rejection of claims 1 – 3, 8, 12, 17, 18, and 21.

Claim Rejections – 35 USC § 103

Claims 1 – 15 and 17 – 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ju et al., U.S. Patent No. 6,744,741 (hereinafter, Ju). This rejection is traversed.

Applicant notes that claim 1 relates to a method for selecting a media processor to host a new conference including receiving an indication of a need for a media processor to host a new conference; determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported by each of said plurality of media processors based on a current number of conference participants on each of said plurality of media processors and based on a current CPU utilization percentage for each of said plurality of media processors in accordance with the following expression: $NbChannels = CurrentNbChannels \times ((MaxCPUUtil/CurrentCPUUtil) - 1)$ where NbChannels is a number of new conference participants or channels each media processor can support, CurrentNbChannels is a value indicating the current number of conference participants on a media processor, MaxCPUUtil is a constant value indicating a maximum CPU utilization percentage allowed for the media processor, and CurrentCPUUtil is a value

indicating a current CPU utilization percentage for the media processor. The method further includes determining one of said plurality of media processors to host said new conference based, at least in part, on said determined number of additional participants that each of said plurality of media processors can support. Claims 8, 13, 18 and 21 are worded, in relevant part, similar to claim 1.

Applicant respectfully submits that the cited and relied upon Ju fails to disclose or suggest independent claims 1, 8, 13, 18, and 21. In the "Response to Arguments" section of the Final Office Action (FOA) dated November 25, 2008, the Examiner stated that the equation:

$$NbChannels = CurrentNbChannels \times ((MaxCPUUtil/CurrentCPUUtil) - 1)$$

is "actually a standard equation that is used to make a determination as to how ma[n]y additional elements are possible min light of a current number of elements and a maximum capacity. This type of standard equation is general knowledge and can be applied to any real world setting where one seeks to quantitatively make a determination as to whether a situation can handle more elements" on page 3 of the FOA. In an attempt to validate the statement that the equation included in the claims is a generally known and standard equation, the Examiner then provides a hypothetical example that attempts to extend the equation in the claims to "a highway traffic setting".

Applicant respectfully disputes, disagrees with and challenges the Examiner's unsubstantiated assertion that the equation included in the claims is generally known. For example, without any knowledge that the alleged "highway traffic setting" is not dependent on other factors other than those provided by the Examiner, it is <u>not possible</u> to state with any certainty that the number of additional cars that a particular lane can handle can be determined by a calculation corresponding to the calculation specified in the equation included in the claims. Applicant notes that the Examiner's hypothetical highway traffic setting fails to consider, for example, a rate of traffic flow, type of vehicle(s) traveling on the highway, speed limit, or any other factors that typically factor into the amount of traffic a particular roadway can safely handle. These types of

considerations are particularly critical given the fact the Examiner asserts the claimed equation is "general knowledge and can be applied to any real world setting".

Applicant hereby requests the Examiner to provide evidentiary proof (e.g., patent references, etc.) that the equation included in the claims is of "general knowledge". Applicant further requests the Office to provide proof that the equation included in the claims, as directed to: determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported by each of said plurality of media processors based on a current number of conference participants on each of said plurality of media processors and based on a current CPU utilization percentage for each of said plurality of media processors in accordance with the following expression: NbChannels = CurrentNbChannels x ((MaxCPUUtil/CurrentCPUUtil) - 1) where NbChannels is a number of new conference participants or channels each media processor can support, CurrentNbChannels is a value indicating the current number of conference participants on a media processor, MaxCPUUtil is a constant value indicating a maximum CPU utilization percentage allowed for the media processor, and CurrentCPUUtil is a value indicating a current CPU utilization percentage for the media processor.

Applicant further notes that Ju discloses the method and system therein as "calculating the number of MIPS required to support each conference participant, SRM module 14 can generate resource information indicating the number of MIPS devoted to existing media conferences and the number of MIPS devoted to process new media conferences". (Ju, col 6, ln. 26 – 30) Applicant notes that the equation included in the claims does not require or state that the MIPS required to support each conference participant be known or calculated. Thus, Ju does not disclose or suggest the parameters of the claimed equation.

Applicant therefore respectfully submits that claims 1, 8, 13, 18, and 21 are patentable over Ju under 35 USC 103(a). Applicant further submits that claims 2 – 7, 9 – 12, 14, 15, 17, 19, and 20 are also patentable over Ju for at least depending on a patentable base claim.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 – 15 and 17 – 21 under 35 USC 103(a) and the allowance of same.

C O N C L U S I O N

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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